

Inflation medium means any solid, liquid, or gas that, when activated, provides inflation for buoyancy.

Inspector means a recognized laboratory representative assigned to perform, supervise or oversee the duties described in §§ 160.076-29 and 160.076-31 of this subpart or any Coast Guard representative performing duties related to the approval.

MOU means memorandum of understanding which describes the approval functions a recognized independent laboratory performs for the Coast Guard, and the recognized independent laboratory's working arrangements with the Coast Guard.

Performance type means the in-water performance classification of the PFD (I, II, or III).

PFD means personal flotation device as defined in 33 CFR 175.13.

PFD Approval Type means the Type designation assigned by the Commandant, as documented in the approval certificate for the PFD, based primarily on the in-water performance and serviceability of the PFD.

Plans and specifications means the drawings, product description, construction specifications, and bill of materials submitted in accordance with § 160.076-13 for approval of a PFD design.

[CGD 94-110, 60 FR 32848, June 23, 1995, as amended by CGD 95-072, 60 FR 50466, Sept. 29, 1995; CGD 94-110, 61 FR 13945, Mar. 28, 1996; CGD 96-041, 61 FR 50733, Sept. 27, 1996; USCG-2006-25697; 71 FR 55747, Sept. 25, 2006]

§ 160.076-7 PFD Approval Type.

(a) An inflatable PFD may be approved without conditions as a Type I, II, or III PFD for persons over 36 kg (80 lb) if it meets the requirements of this subpart.

(b) Each inflatable PFD that can be demonstrated to meet the in-water performance requirements of a type I, II or III PFD in UL 1180 during approval testing and the applicable requirements of this subpart provided that certain conditions are placed on its use, may be approved as a Type V PFD. Each such PFD has conditional approval.

[CGD 94-110, 60 FR 32848, June 23, 1995, as amended by CGD 94-110, 61 FR 13945, Mar. 28, 1996]

§ 160.076-9 Conditional approval.

(a) A conditionally approved inflatable PFD is categorized as a Type V PFD and may be used to meet the Coast Guard PFD carriage requirements of 33 CFR part 175 only if the PFD is used in accordance with any requirements on the approval label. PFDs marked "Approved only when worn" must be worn whenever the vessel is underway and the intended wearer is not within an enclosed space if the PFD is intended to be used to satisfy the requirements of 33 CFR part 175. Note: Additional approved PFDs may be needed to satisfy the requirements of 33 CFR part 175 if "Approved only when worn" PFDs are not worn.

(b) PFDs not meeting the performance specifications for type I, II, or III PFDs in UL 1180 may be classified as Type V, conditionally approved PFDs, when the Commandant determines that the performance or design characteristics of the PFD make such classification appropriate.

[CGD 94-110, 60 FR 32848, June 23, 1995, as amended by CGD 94-110, 61 FR 13945, Mar. 28, 1996]

§ 160.076-11 Incorporation by reference.

(a) Certain materials are incorporated by reference into this subpart with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than the one listed in paragraph (b) of this section, the Coast Guard must publish notice of the change in the FEDERAL REGISTER, and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA) and at the U.S. Coast Guard, Lifesaving and Fire Safety Division (GMSE-4), 2100 Second Street, SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section. For information on the availability of this material at NARA, call 202-741-6030, or go to:

http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The materials approved for incorporation by reference in this subpart, and the sections affected are as follows:

AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM)

100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

ASTM D 751-95, Standard Test Methods for Coated Fabrics—160.076-25

ASTM D 1434-82 (1988), Standard Test Method for Determining Gas Permeability Characteristics of Plastic Film and Sheet—160.076-25

FEDERAL STANDARDS

Naval Publishing and Printing Center, Customer Service, 700 Robbins Avenue, Philadelphia, PA 19120.

In Federal Test Method Standard No. 191A (dated July 20, 1978) the following methods:

(1) Method 5100, Strength and Elongation, Breaking of Woven Cloth; Grab Method, 160.076-25;

(2) Method 5132, Strength of Cloth, Tearing; Falling-Pendulum Method, 160.076-25;

(3) Method 5134, Strength of Cloth, Tearing; Tongue Method, 160.076-25.

UNDERWRITERS LABORATORIES (UL)

Underwriters Laboratories, Inc., 12 Laboratory Drive, Research Triangle Park, NC 27709-3995 (Phone (919) 549-1400; Facsimile: (919) 549-1842)

UL 1123, "Marine Buoyant Devices", February 17, 1995, 160.076-35;

UL 1180, "Fully Inflatable Recreational Personal Flotation Devices", May 15, 1995, 160.076-7; 160.076-21; 160.076-23; 160.076-25; 160.076-29; 160.076-31; 160.076-37; 160.076-39.

UL 1191, "Components for Personal Flotation Devices", May 16, 1995, 160.076-21; 160.076-25; 160.076-39.

[CGD 94-110, 60 FR 32848, June 23, 1995, as amended by CGD 95-072, 60 FR 50467, Sept. 29, 1995, CGD 94-110, 61 FR 13945, Mar. 28, 1996; CGD 96-041, 61 FR 50733, Sept. 27, 1996; CGD 97-057, 62 FR 51048, Sept. 30, 1997; USCG-1999-5151, 64 FR 67184, Dec. 1, 1999]

§ 160.076-13 Approval procedures for inflatable PFDs.

(a) Manufacturers seeking approval of an inflatable PFD design shall follow the procedures of this section and subpart 159.005 of this chapter.

(b) Each application for approval of an inflatable PFD must contain the information specified in § 159.005-5 of this chapter. The application must be submitted to a recognized laboratory. One copy of the application and, except as provided in paragraph (c)(2) of this section, a prototype PFD must be sub-

mitted to the Commandant for preapproval review. If a similar design has already been approved, the Commandant may authorize the recognized laboratory to waive the preapproval review under §§ 159.005-5 and 159.005-7 of this chapter.

(c) The application must include the following:

(1) Plans and specifications containing the information required by § 159.005-12 of this chapter, including drawings, product description, construction specifications, and bill of materials.

(2) The information specified in § 159.005-5(a)(2) (i) through (iii) of this chapter must be included in the application, except that, if preapproval review has been waived, the manufacturer is not required to send a prototype PFD sample to the Commandant.

(3) The type of performance (Type I, II, or III) that the PFD is designed to provide along with the Approval Type sought (Type I, II, III, or V).

(4) Any special purpose(s) for which the PFD is designed and the vessel(s) or vessel type(s) on which its use is intended.

(5) Buoyancy, torque, and other relevant tolerances to be met during production.

(6) The text of any optional marking to be included on the PFD in addition to the markings required by § 160.076-39.

(7) A draft of the information pamphlet required by § 160.076-35.

(8) A draft of the owner's manual required by § 160.076-37.

(9) For any conditionally approved PFD, the intended approval condition(s).

(d) The description required by § 159.005-9 of this chapter of quality control procedures may be omitted if the manufacturer's planned quality control procedures meet the requirements of §§ 160.076-29 and 160.076-31.

(e) *Manual and pamphlet.* Before granting approval of a PFD design, the Commandant may require changes to the manual and information pamphlet submitted for review to ensure compliance with the requirements of §§ 160.076-35 and 160.076-37.

(f) *Waiver of tests.* A manufacturer may request that the Commandant waive any test prescribed for approval